

## **REMARKS**

### **I. INTRODUCTION**

Favorable reconsideration of this application, in light of the present amendments and following discussion, is respectfully requested.

### **II. STATUS OF THE CLAIMS**

Claims 1-3, 5-8, 11 are currently pending; claims 1, 2, 7 and 8 are amended and claims 4 and 12 are canceled. Claims 1 and 8 are independent claims. It is respectfully submitted that no new matter is added herewith.

### **III. SUMMARY OF THE OFFICE ACTION**

In the outstanding Office Action, the specification is rejected under 35 U.S.C. § 112, first paragraph for being replete with terms that are not clear, concise and exact; claims 1-7 are rejected under 35 U.S.C. § 112, second paragraph; claims 1-3, 6, 8, and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Published Application No. 2002/0095870 to *Praud et al.* in view of DE 10057352 to *Hoepper et al.*; and claims 5, 7, 11 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Praud et al.* and *Hoepper et al.* and further in view of U.S. Patent No. 3,591,983 to *Hanson et al.*

### **IV. ARGUMENTS**

#### **A. Rejection of the specification under 35 U.S.C. § 112, first paragraph:**

In the outstanding Office Action, the specification is rejected under 35 U.S.C. § 112, first paragraph for having terms that are not clear, concise and exact. In response, Applicant has thoroughly reviewed the specification, per the Examiner's request, and submits herewith a substitute specification (and marked-up copy) correcting any unclear language and/or

grammatical errors. In view of the substitute specification, Applicant respectfully requests reconsideration and withdrawal of the rejection of the specification under 35 U.S.C. § 112, first paragraph.

**B. Rejection of Claims 1-7 under 35 U.S.C. § 112, second paragraph**

In the outstanding Office Action, claims 1-7 are rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. In response, Applicant has reviewed the claims carefully and has made amendments accordingly. For example, independent claim 1 is amended to clarify the “parameters”. Applicant notes, however, that broad claim language is not necessarily indefinite claim language. Applicant believes the claims as amended are definite and respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, second paragraph.

**C. Rejection of Claims 1-3, 6, 8, and 12 under 35 U.S.C. § 103(a)**

In the outstanding Office Action, claims 1-3, 6, 8 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. PG Pub 2002/0095870 to *Praud et al.* and in view of DE 10057352 to *Hoepper et al.* The rejection is respectfully traversed.

Applicant submits that a prima facie case of obviousness has not been established because neither *Praud et al.* nor *Hoepper et al.*, alone or in combination, discloses, teaches or suggests all of the limitations of either independent claim 1 or independent claim 8.

With regard to independent claim 1, *Praud et al.* fails to teach the first, second, or third distances defined by the window lift assembly of claim 1. No where in the Office Action is it demonstrated that the device of *Praud et al.* has the first second and third distances of claim 1.

In independent claim 1, the first distance is defined as being between first and second points of contact of the slider of the second assembly measured on a line parallel to the track; the second distance is defined as from an upper edge of the window pane to a fastening point of the slider of the first assembly on the pane; and the third distance is defined as from the track of the second assembly to a range of the frame defined where the first assembly is provided in the frame. For example, Applicant's disclosure and Figure describes a first distance  $Y_1$  as being between two points of contact P of the slider 7 in the track 6 measured on a line parallel to the track 6; a second distance  $Y_2$  from an upper edge 11 of the window pane 3 to a fastening point 12 of the first assembly 4 running through the length 9 of the frame 2 of the door; and third distance  $X_1$  is from the track 6 which is secured to the frame 2 of the door to the length 9 of the frame 2. Each of the first, second, and third distances are clearly defined in the specification and shown in the Figure.

In contrast, *Praud et al.* teaches a track slider 43 and a driving means 15 where the glass 41 slides due to the combined action of the slider 43 and driving means 15; however *Praud et al.* fails to teach a distance between the slider's track to a length of the frame, much less as being more than 100 mm. Moreover, *Praud et al.* fails to teach a first distance as defined in claim 1 that is less than a difference between the first height and the second height; nor does *Praud et al.* teach a second distance, as defined in claim 1, that is less than a difference between a second height and a second distance.

Therefore, *Praud et al.* fails to teach the first, second and third distances nor the relationship with each other or the first and second heights.

Moreover, *Praud et al.* fails to teach dual guide and slider assemblies. The Office Action relies on *Hoepper et al.* as teaching a second guide and slider assembly. However, like *Praud et al.*, *Hoepper et al.* teaches only a single guide 8 and slider 7 assembly. Accordingly, neither *Praud et al.* nor *Hoepper et al.* teaches two guide and slider assemblies. Moreover, it would not have been obvious to add the guide and slider of *Hoepper et al.* to the lift of *Praud et al.*, as suggested, because such would have obstructed the operation of the sliding block 43 of *Praud et al.* The Office Action merely suggests that it would have been obvious to combine the guide and slider assemblies of *Praud et al.* and *Hoepper et al.* without providing an explanation as to how the window lift of *Praud et al.* could be physically modified to include the guide and slider of *Hoepper et al.* Additionally, one skilled in the art would not be motivated to duplicate parts by adding a second guide and slider assembly because such a modification would increase the complexity of the window lift as well as costs. Therefore, Applicant respectfully requests an explanation as to (1) how the lift of *Praud et al.* could be physically modified to include the guide and slider of *Hoepper et al.* and (2) why one skilled in the art would be modified to do so.

Regarding independent claim 8, again the combination of *Praud et al.* and *Hoepper et al.* fails to teach a dual guide and slider assembly for a window lift. Moreover, neither reference teaches a slider being fitted in a track such that the slider is guided without the possibility of rotation, as recited in claim 8. The Office Action suggests that the lift shown in the *Hoepper et al.* reference is tight enough to prevent rotation; however, nothing is pointed to in *Hoepper et al.* to support such a conclusion. In fact, nowhere in *Hoepper et al.* does it teach that the single guide 8 and slider 7 assembly cannot rotate.

Consequently, a prima facie case of obviousness has not been established. Thus, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1 and 8 under 35 U.S.C. § 108(a).

Dependent claim 2, 3, 6, 7, 11 and 13 are also believed to be allowable for the same reasons discussed above. Moreover, these claims recite additional features not found in the prior art. For example, claim 2 recites a fourth distance that is defined between two points of contact of the slider where the fourth distance is less than or equal to the third distance; claim 3 recites that the third distance has a value ranging from 100 to 150mm; and claims 5 and 6 each recite, among other elements, that the third distance is less than 150mm. Also, dependent claim 11 recites that the first slider is fitted in a track and provides a single point of contact inside of the second guide and slider assembly allowing rotation of the second slider; and claim 13 recites that the first slider is fitted in a track and has a single point of contact where the window pane completely rests on the frame.

**D. Rejection of Claims 5, 7, 11 and 13 under 35 U.S.C. § 103(a)**

In the Office Action, claims 5, 7, 11 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Praud et al.* and *Hoepper et al.* as applied to claims 1 and 8, and further in view of U.S. Patent No. 3,591,983 to *Hanson*. The rejections are respectfully traversed.

As discussed above regarding claims 1 and 8, *Praud et al.*, either alone or in combination with *Hoepper et al.*, fails to teach all of the claim limitation of independent claims 1 and 8. *Hanson* fails to cure the deficiencies of the proposed *Praud et al.* and *Hoepper et al.* combination. Therefore, a prima facie case of obviousness with respect to dependent claims 5, 7,


11 and 13 has not been established. It is therefore respectfully requested that the rejection under 35 U.S.C. § 103(a) be withdrawn.

**V. CONCLUSION**

In view of the foregoing discussion and present amendments, it is respectfully submitted that this application is in condition for allowance. An early and favorable action is therefore respectfully requested.

Please charge any shortage or credit any overpayment of fees to BLANK ROME LLP, Deposit Account No. 23-2185 (001058-00023). In the event that a petition for an extension of time is required to be submitted herewith and in the event that a separate petition does not accompany this response, Applicants hereby petition under 37 C.F.R. 1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized above.

Respectfully submitted,

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